

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

Sealed Motion for Revocation on Offender Under Probation Supervision
Warrant Requested

Name of Offender: Charles J. Lopez Case Number: 5:12-MJ-1025-1
Name of Sentencing Judge: Honorable James E. Gates
Date of Original Sentence: December 11, 2012
Original Offense: Driving While Impaired (Level-3) in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1 and Resist, Delay and Obstruct in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 14-223
Original Sentence: 12 month term of probation
Type of Supervision: Probation Supervision Started: 12/11/2012
Defense Attorney: Jeffrey Hollers

EARLIER COURT ACTION

November 28, 2012 While on pre-trial supervision, the court was notified of new criminal charges against the defendant in Cumberland County, North Carolina. These charges were Injury to Real Property (12CR64279), Cyberstalking and Domestic Criminal Trespass (12CR64661).

PETITIONING THE COURT

Violation 1 - Criminal conduct.

On February 10, 2013, in Cumberland County, North Carolina, the defendant operated a motor vehicle while impaired and while his driver's license was revoked. As a result of this, he was charged with Driving While Impaired and Driving While License Revoked (13CR51847).

Violation 2 - Failure to report to the probation officer as directed by the court or probation officer.

The defendant was told to report to the probation office on February 15, 2013, at 10:00 am. The defendant failed to show.

Violation 3 - Failure to obtain a substance abuse assessment within 30 days as directed.

The defendant was ordered to obtain a substance abuse assessment within 30 days of December 11, 2012. The defendant has failed to obtain a substance abuse assessment.

In view thereof, we respectfully petition the court for the issuance of a warrant and recommend that the term of supervision be revoked. Since the defendant has pending criminal charges, it is recommended that this petition and order be placed under seal until execution of the warrant. The purpose of sealing this document is to facilitate officer safety and to disallow the defendant's knowledge of issuance of the warrant.

This the 19th day of February, 2013.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt

Robert K. Britt
Senior U.S. Probation Officer

/s/Matthew Smith

Matthew Smith
U.S. Probation Officer
310 Dick Street, Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: February 19, 2013

THE COURT ORDERS:

- ☒ ISSUANCE OF A WARRANT. This petition and warrant shall remain sealed until the warrant is executed. The Clerk shall provide a copy of the petition and warrant to the U.S. Probation Office and the U.S. Attorney's Office.
☐ OTHER:


James E. Gates

United States Magistrate Judge

19 February 2013
Date